

PROCEEDINGS AGAINST ANTHONY J. ACCARDO FOR  
CONTEMPT OF THE SENATE

JANUARY 22 (legislative day, JANUARY 8), 1951.—Ordered to be printed

Mr. KEFAUVER, from the Special Committee To Investigate Organized  
Crime in Interstate Commerce, submitted the following

## REPORT

[To accompany S. Res. 44]

The Special Committee To Investigate Organized Crime in Interstate Commerce, as created and authorized by the United States Senate by Senate Resolution 202, Eighty-first Congress, second session, caused to be issued a subpoena to Anthony J. Accardo, of Chicago, Ill. The said subpoena directed Anthony J. Accardo to be and appear before the said committee on January 5, 1951, at 10 a. m., in Room 457, Senate Office Building, Washington, D. C., then and there to testify touching matters of inquiry committed to said committee and not to depart without leave of said committee. The date of the subpoena was the 28th day of December 1950. Attendance pursuant to said subpoena was had on January 5, 1951, at which time the witness appeared. The subpoena served upon said Anthony J. Accardo is set forth as follows:

## UNITED STATES OF AMERICA

## CONGRESS OF THE UNITED STATES

To ANTHONY J. (TONY) ACCARDO, 1431 Ashland Avenue, River Forest, Ill., Greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Special Committee To Investigate Organized Crime in Interstate Commerce of the Senate of the United States, on forthwith, 1950, at their committee room 900, 101 Indiana Avenue NW., Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee. And bring with you:

1. All ledgers, vouchers, canceled checks, check stubs, bank deposit slips, bank statements, financial statements, notes, copies of tax returns, records of accounts receivable and payable, and records of cash receipts and disbursements for the period from January 1, 1940, to date;

2. All books, records, or other documents showing ownership of, or other holding or interest in any business Company or enterprise, or in any property real, personal, or intangible, for the period from January 1, 1940, to date;

3. All correspondence relating to the subject matter referred to in paragraph 2 hereof, for the period from January 1, 1940, to date.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To ----- to serve and return.

Given under my hand, by order of the committee, this 28th day of December, in the year of our Lord one thousand nine hundred and fifty.

ESTES KEFAUVER,  
*Chairman, Committee To Investigate Organized  
Crime in Interstate Commerce.*

The said subpoena was duly served as appears by the return made thereon by Edward J. Sullivan, deputy United States marshal, who was duly authorized to serve the said subpoena. The return of the service by the said Edward J. Sullivan, deputy United States marshal, being endorsed thereon is set forth as follows:

Served this witness, the within-named Anthony J. Accardo, by serving the same to him and by leaving a copy thereof with him, is served this 29th day of December A. D. 1950, T. P. O'Donovan, United States Marshal, by Edward J. Sullivan, deputy. Served United States Marshal's Office 10:50 a. m.

The said Anthony J. Accardo pursuant to said subpoena and in compliance therewith appeared before the said committee to give such testimony as required by virtue of Senate Resolution 202, Eighty-first Congress, second session. Anthony J. Accardo having appeared as a witness and having been asked questions, which questions were pertinent to the subject matter under inquiry, made answers as appeared in the record of the hearing on January 5, 1951, at Washington, D. C., which record is annexed hereto and made a part hereof and designated annex I.

As a result of said Anthony J. Accardo's refusal to answer the questions pursuant to the said inquiry, as appears in the record annexed, the committee was prevented from receiving testimony and evidence concerning the matter committed to said committee in accordance with the terms of the subpoena served upon this witness.

The committee was therefore deprived of answers to questions pursuant to the committee's inquiry propounded to Anthony J. Accardo pertinent to the subject matter under which Senate Resolution 202, Eighty-first Congress, second session, the said committee was instructed to investigate, and the refusal of the witness to answer questions as set forth in annex I, is a violation of the subpoena under which the witness was directed to appear and answer pertinent questions to the subject under inquiry, and his persistent and illegal refusal to answer the aforesaid questions deprived the committee of necessary and pertinent testimony and places this witness in contempt of the United States Senate.

At the hearing on January 5, 1951, at Washington, D. C., there was a quorum of the committee present consisting of the chairman, Senator Kefauver, and Senators Wiley and Tobey.

After reviewing the testimony and other facts as set forth herein, the committee adopted a resolution, as set forth below:

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE  
COMMERCE

MINUTES OF A COMMITTEE MEETING, JANUARY 5, 1951

The committee met at 12 o'clock noon in room 457, Senate Office Building. There were present the chairman, Senator Kefauver, and Senators Wiley and Tobey. There were also present Rudolph Halley, chief counsel; George S.

Robinson, associate counsel; John L. Burling, Alfred M. Klein, J. L. Nellis, and Downey Rice, assistant counsel.

The committee discussed the testimony of the witness, Anthony J. Accardo, given immediately prior to the holding of this executive session of the committee.

The chairman stated to the committee that the witness, Anthony J. Accardo, repeatedly, consistently, and arbitrarily had refused to answer questions put to him throughout the chairman's examination of said witness on January 5, 1951, and that his refusal therefore was improper and contemptuous.

The chairman presented to the committee a draft report on the entire matter for the committee's consideration and the committee duly adopted the said report and instructed the chairman to present said report to the United States Senate.

Therefore, upon motion of Senator Tobey, duly seconded by Senator Wiley, it was duly resolved that the committee present to the United States Senate, for its immediate action, a resolution requiring the United States Attorney for the District of Columbia to proceed against the said Anthony J. Accardo in the manner and form provided by law.

ESTES KEFAUVER, *Chairman.*

# ANNEX I

## ORGANIZED CRIME IN INTERSTATE COMMERCE

UNITED STATES SENATE,  
SPECIAL COMMITTEE TO INVESTIGATE  
ORGANIZED CRIME IN INTERSTATE COMMERCE,  
*Washington, D. C., Friday, January 5, 1951.*

### REPORTERS' TRANSCRIPT

The committee met, pursuant to notice, at 10:05 a. m., in room 457, Senate Office Building, Senator Estes Kefauver (chairman) presiding.

Present: Senators Kefauver, Tobey, and Wiley.

Also present: Rudolph Halley, chief counsel to the committee.

The CHAIRMAN. The committee will come to order.

This is a continuation of a hearing we had in Chicago. Let the record show that Senators Tobey and Wiley and the chairman are present.

Our witness today is to be Tony Accardo. Is Mr. Accardo here?

Mr. GEORGE F. CALLAGHAN. The witness is present. I am his counsel.

The CHAIRMAN. All right, Mr. Callaghan; we will be glad to have him.

Mr. CALLAGHAN. Might I ask, Mr. Chairman, if this device is a national hook-up on radio?

Senator TOBEY. You compliment us.

Mr. CALLAGHAN. I do not know whether it is. It says "NBC." If it is, I decline to testify or I decline to have my client testify, before it.

The CHAIRMAN. Mr. Callaghan, of course, we are arranging the hearing here, and—

Mr. CALLAGHAN. We are perfectly willing to give our testimony to the committee, but not to the Nation.

The CHAIRMAN. This is an open hearing, Mr. Callaghan, and so the committee arranges the hearing as to how we proceed.

Mr. CALLAGHAN. Might I have an answer to the inquiry as to whether or not it is a hook-up on radio?

The CHAIRMAN. I do not know whether it is a hook-up or not. It is to make a recording; it is not a live hook-up.

Mr. CALLAGHAN. That is, it is not a radio broadcast.

The CHAIRMAN. It is to be made as a recording, and parts of it may be used, but it is not a national hook-up as now presented.

Mr. CALLAGHAN. I want the record to show that simply as an addition to the atmosphere of this hearing.

The CHAIRMAN. All right, Mr. Callaghan. This is an open hearing, and radio has a right to be represented, if they want to be, and if the committee permits them.

Mr. Callaghan, give your name and address in Chicago.

Mr. CALLAGHAN. George F. Callaghan, 105 West Adams Street.

The CHAIRMAN. You appeared with the client before the committee in Chicago.

Mr. CALLAGHAN. With a client before the committee.

The CHAIRMAN. Mr. Accardo, will you hold up your hand to be sworn. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ACCARDO. Yes, sir.

TESTIMONY OF ANTHONY J. ACCARDO, ACCOMPANIED BY GEORGE F. CALLAGHAN, ATTORNEY

Mr. CALLAGHAN. Mr. Chairman and members of the committee, I know that the legislature is in session, and that this chairman and the members of this committee are extremely busy.

In order to expedite the work of this committee, I would like to make a preliminary statement here which may, I think, save a lot of time.

The CHAIRMAN. All right, Mr. Callaghan.

Mr. CALLAGHAN. Many statements have appeared in the press which have been attributed to this committee, its counsel, or its investigators, condemning the conduct of Mr. Accardo and dubbing that conduct unlawful.

Other statements have appeared of a purely personal nature concerning his private affairs that have no connection with this inquiry.

His income, its extent, and its source have been the subject matter of several hearings of this committee.

In this atmosphere, Mr. Accardo feels that the questions to be asked of him must, of necessity, be of two classes: first, questions the answers to which might tend to incriminate him or, secondly, questions which are not pertinent to this inquiry.

That being the situation with which the witness is confronted, he has asked me to advise this committee, in the interest of saving time here, that he will, to those questions which may be pertinent to the inquiry, the answers to which may tend to incriminate him, refuse to make answer, and that he will further refuse to make answer to all questions which are not pertinent to this inquiry which seek to pry only into his private personal affairs.

Now, may we understand, Mr. Chairman, as we did in Chicago, before we begin this inquiry, that where the witness refuses to answer a question his refusal is predicated upon two grounds: first, that to answer the question might tend to incriminate him and, secondly, that he refuses to answer on the ground that the question is not pertinent to the inquiry.

I ask that in the interest of a time-saving device, because you, on a previous occasion, asked me if I would save the necessity of each time directing the witness to answer. I am perfectly willing to do that, provided it be understood that those two objections stand to each one of the questions that may be asked.

The CHAIRMAN. All right, Mr. Callaghan. The committee will judge which questions are pertinent and which questions are not.

We will have it understood with you, if your client understands, that if he refuses to answer a question the grounds of his refusal are that he thinks it would incriminate him or that it is not pertinent to this inquiry. But, of course—

Mr. CALLAGHAN. Both objections may stand to each question.

The CHAIRMAN. And that will alleviate the necessity of the chairman's directing the witness to answer a question where he refuses to answer.

Mr. CALLAGHAN. Yes, sir.

The CHAIRMAN. Does your client understand it?

Mr. CALLAGHAN. I think so.

You understand that, do you?

Mr. ACCARDO. Yes, sir.

The CHAIRMAN. All right, Mr. Callaghan, that is all. You may take a seat.

Mr. HALLEY, will you proceed with your examination?

Mr. HALLEY. What is your name?

Mr. ACCARDO. Sir?

Mr. HALLEY. What is your name?

Mr. ACCARDO. Anthony J. Accardo.

Mr. HALLEY. Are you known by any other name?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Have you ever been known by the name of Joe Batters?

The CHAIRMAN. You understand, Mr. Accardo, that the question was, Have you ever been known by any other name, or have you had an alias? You refuse to answer, and the chairman directs you to answer, but we are not going through that formality upon the statement of your counsel that where you refuse to answer you will assume that the chairman has directed you to answer, and that you still refuse?



Mr. ACCARDO. Yes, sir.

The CHAIRMAN. Proceed, Mr. Halley.

Mr. ACCARDO. Do I have to stand in front of these pictures at all times?

The CHAIRMAN. No; they will be through in a moment.

Mr. HALLEY. Have you ever been known as Joe Batters?

Mr. CALLAGHAN. We object to the proceeding here.

The CHAIRMAN. The committee is running the proceedings.

Mr. CALLAGHAN. I would like the record to show that there are five photographers here.

Senator TOBEY. There are sometimes 20.

Mr. CALLAGHAN. I want the record to show what the situation is.

The CHAIRMAN. All right. The record will show what the situation is.

Mr. HALLEY. Have you ever been known by the name of Joe Batters?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Chairman, before proceeding further, in view of the statement made by counsel, and the refusal of his client to answer even the most obviously—the refusal of the witness to answer the most obviously—proper and not incriminating question, I would like at this time to offer in evidence a chart which summarizes matters now on record before the committee, and to make a statement with reference to it, the purpose being to bring before the committee the relevance of the questions which will follow.

The CHAIRMAN. The chart can be filed, and you will ask the witness about the chart; is that it?

Mr. HALLEY. I will ask the witness about the chart; and, if he refuses to answer, I will make certain statements.

(The chart referred to was marked "Accardo Exhibit No. 1" and made a part of the record.)

Mr. HALLEY. Do you know Al Capone, or did you know him?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Chairman, the committee's record, as we all know, shows that Al Capone was a leader of an infamous gang of criminals.

Mr. CALLAGHAN. I submit that Mr. Halley be sworn if that is going into the record as evidence.

The CHAIRMAN. Mr. Callaghan, you make your objections to the chairman.

Mr. CALLAGHAN. I am making my objection to the chairman. I submit to the chairman—

The CHAIRMAN. That is right; counsel has a right to give background and the reasons why questions are asked.

Mr. HALLEY. Do you know Frank Nitti, or did you know him?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Chairman, the record shows that, after the death of Al Capone, Frank Nitti assumed the mantle of the so-called Capone gang, and that Frank Nitti was found dead, apparently a suicide, with a gun in his hands.

Do you know Paul Ricca?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Chairman and members of the committee, the record of this committee shows that then the mantle of the Capone gang descended upon Tony Accardo, the witness, and Paul Ricca.

Do you know Harry Russell?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Were you ever in partnership with Harry Russell?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Chairman, the record of this committee shows that Tony Accardo and Harry Russell were partners in a bookmaking business in the city of Chicago.

Now, Mr. Accardo, did you ever have any—

The CHAIRMAN. Let us get this picture taking over with.

Mr. HALLEY. Mr. Accardo, did you ever have any connection, direct or indirect, with the Trans-American News Service?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you ever hear of the Trans-American News Service?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Do you know Pat Burns?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Do you know Hymie Levin?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Chairman, the record of this committee shows certain relationships between Tony Accardo and the Trans-American News Service.

Mr. Accardo, did you know the late James Ragen, who was murdered?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you ever hear of James Ragen?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Do you know whether or not it was a matter of public knowledge in Chicago that James Ragen was murdered?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Chairman, the record of this committee shows that James Ragen complained under oath to the district attorney of Cook County that Mr. Accardo and others had approached him and desired him to give them 40 percent of the Continental Press Service in return for their protection.

The CHAIRMAN. At that point, ask the witness if that is true.

Mr. HALLEY. Did you ever ask anybody to approach Mr. Ragen in connection with the Continental Press Service?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Do you know Dan Serritella?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you ever tell Dan Serritella—

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. You had better let me finish the question first.

The CHAIRMAN. I think you had better get the question before you decide whether you refuse to answer.

Mr. HALLEY. Did you ever tell Dan Serritella that you wanted to see Ragen so that you could talk to him about getting a 40-percent interest in either Continental Press or the Midwest News, a subsidiary of Continental Press?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Chairman, the Ragen record of Ragen's statements to the district attorney makes such assertions. In the same statement Ragen stated that his reason for making the statement was that he feared he would be assassinated. Our records show that Ragen was assassinated shortly thereafter.

Now, Mr. Accardo, did you ever hear of the R. & H. News Service?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you ever hear of the R. & H. Publishing Co.?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Do you know or do you not know whether or not the R. & H. Publishing Co. is engaged in the business of disseminating racing news information in Chicago by wire?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Do you know or do you not know that R. & H. Publishing Co. financed the operations of Trans-American News Service?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Chairman, our records show at our Chicago hearings that the R. & H. Publishing Co., shown on this chart, did finance the operations of Trans-American to a great extent.

Now, Mr. Accardo, have you ever been in Miami Beach, Fla.?

Mr. ACCARDO. Yes, sir.

Mr. HALLEY. Have you ever been in Miami, Fla.?

Mr. ACCARDO. Yes, sir.

Mr. HALLEY. Do you know William "Butsy" O'Brien?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Have you ever heard of William O'Brien?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Have you ever heard of the same man under the name of Walter Keogh?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Have you ever heard of the Interstate News Co.?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Have you ever heard of the Dade County News Co.?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Chairman and members of the committee, the record of our committee shows that during the operations of Trans-American, O'Brien operated as one of their outlets, making substantial and regular payments to Trans-American from Miami; that after the discontinuation of the Trans-American competitor operation, O'Brien continued as the representative of the Continental News Service; that in 1949, in the month of March—I am sorry, at the end of February 1949—the wire service to the S. & G. Syndicate, a news distributing and bookmaking syndicate, in Miami, was cut off, and our records show that that was done on the orders of O'Brien.

Now, Mr. Accardo, do you know John Patton?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Have you ever been in the city of Burnham, Ill.

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you every hear of the "Boy Mayor of Burnham"?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you ever hear John Patton described as the "Boy Mayor of Burnham"?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Were you ever at any dog track in the State of Florida?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Do you know William H. Johnston?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you know that Johnston and Patton were partners in various dog track ventures in the State of Florida?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Chairman, the committee's record shows that Accardo and Patton are known to each other and have been for many years.

The committee's record shows that Patton and Frank Nitti were arrested together many years ago, together with other members of the Capone gang.

The record shows that Johnston and Patton were associated together in the dog track ventures in Florida.

Now, Mr. Accardo —

Mr. CALLAGHAN. May I respectfully suggest to this committee that apparently Mr. Accardo is not needed here as a witness. Mr. Halley knows all of the answers.

The CHAIRMAN. All right, Mr. Callaghan; you just keep your seat.

Mr. HALLEY. Mr. Accardo, do you know an investigator, a special investigator, for the Governor of Florida named "Bing" Crosby?

Mr. ACCARDO. No, sir.

Mr. HALLEY. Have you ever heard of Crosby?

Mr. ACCARDO. No, sir.

Mr. HALLEY. Did you know in the year 1948 that William H. Johnston had made very substantial contributions to the campaign fund of Fuller Warren for Governor for the State of Florida?

Mr. ACCARDO. No, sir.

Mr. HALLEY. That was never told to you?

Mr. ACCARDO. No, sir.

Mr. HALLEY. Do you know William H. Johnston?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Were you ever told that during the month of March and the month of February 1949, the Governor's investigator, Crosby, caused investigations to be made, and raids to be made, on various bookmaking establishments serviced by the S. & G. Syndicate?

Mr. ACCARDO. No, sir.

Mr. HALLEY. That never came to your knowledge?

Mr. ACCARDO. No, sir.

Mr. HALLEY. Have you ever read the newspaper reports of this committee's records?

Mr. ACCARDO. I do not remember.

Mr. HALLEY. Now, Mr. Accardo, did you ever own a yacht called the *Clara Jo*?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Is it not a fact that in the month of February 1950, after the matters about which we have been talking, you sold the yacht, the *Clara Jo*, to the S. & G. Syndicate?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you know a man named Harry Russell, or do you now know him?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Were you ever in business with Harry Russell?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Is it not a fact that you and Harry Russell were partners in a bookmaking business in Chicago, Ill.?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Is it not a fact that during the years 1940 to 1945 you and Harry Russell were partners in a bookmaking establishment in Chicago?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Were you aware of the fact that Harry Russell became a partner in the S. & G. Syndicate?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. And that this occurred during the month of March 1949?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Are you aware of the fact that Harry Russell became a partner in the S. & G. Syndicate after the events about which you have refused to testify, but which the committee record shows; namely, the cut-off of the wire service to S. & G. by O'Brien, and the raids on the S. & G. by Crosby, the special investigator for the Governor of Florida?

Mr. CALLAGHAN. I submit that is an unintelligible question that no one can answer.

Mr. HALLEY. Well, I will state the facts again, because I am committed to do it.

Mr. CALLAGHAN. I ask that the counsel have the question read instead of—

The CHAIRMAN. Let the question be read again. Will you read the question again, Mr. Reporter?

(The question was read.)

Mr. CALLAGHAN. I submit that is a speech and not a question.

The CHAIRMAN. Do you understand the question?

Mr. ACCARDO. I refuse to answer.

The CHAIRMAN. Apparently, Mr. Callaghan, it would not make any difference whether he knew the question or not.

Mr. CALLAGHAN. He refuses to answer the question, Mr. Chairman. The purport of his refusal was his refusal to answer the question propounded by Mr. Halley, not your question of whether or not he understood the question.

The CHAIRMAN. Very well. Continue, Mr. Halley.

Mr. HALLEY. Mr. Accardo, is it not a fact that Harry Russell became a partner in the S. & G. Syndicate; that you then sold your yacht, the *Clara Jo*, to the S. & G. Syndicate for \$20,000?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Is it not a fact that Harry Russell paid the S. & G. Syndicate \$20,000 for his interest in the S. & G. Syndicate?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Have you ever heard that statement?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you ever discuss the S. & G. Syndicate with Harry Russell?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you ever own a boat called the *Clara Jo*?

Mr. CALLAGHAN. That has been asked and answered twice.

Mr. HALLEY. I have the right to ask that question at least twice before it becomes superfluous.

Mr. ACCARDO. I refuse to answer.

The CHAIRMAN. Have you ever heard of a yacht called the *Clara Jo*?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Chairman, there are two checks in the sum of \$5,000 each, and each one bears the endorsement "Anthony J. Accardo."

May these be shown to the witness, and to ask him to identify his signature on the back of those checks?

(The documents were shown to the witness.)

Mr. HALLEY. I might state for the record that they are photostatic copies of the original checks.

Mr. CALLAGHAN. What is the question, Mr. Halley?

Mr. HALLEY. Is the endorsement on the back of each of those checks your endorsement, Mr. Accardo?

Mr. ACCARDO. I refuse to answer.

The CHAIRMAN. Let us identify the checks more in detail.

Mr. HALLEY. Mr. Chairman, may the record show that the checks are two checks, each in the amount of \$5,000, from the S. & G. Service—S-e-r-v-i-c-e—each one to the order of Tony Accardo, signed by Sam Friedman and Leo Levitt. Senator TOBEY. The date?

Mr. HALLEY. They are dated February 2, 1950, and February 9, 1950; the one dated February 2 bearing the number 2700; the second check bearing the number 2701, and both drawn on the Miami Beach First National Bank of Miami Beach, Fla.

Mr. CALLAGHAN. May I see those, Mr. Halley, just an instant? Mr. Chairman, may I see them?

The CHAIRMAN. Let us get the purported endorsement on the back.



Mr. HALLEY. The endorsement purports to be, on each one, "Anthony J. Accardo," and then a stamped endorsement below that "For deposit only, John Rybovich & Son Boat Works."

The CHAIRMAN. Let these checks be made exhibits. No. 2700 as exhibit 2 in the evidence of today, and No. 2701 as exhibit 3.

(The photostats of checks referred to were marked "Accardo exhibits Nos. 2 and 3" and made a part of the record.)

The CHAIRMAN. Mr. Callaghan, do you want to examine the checks?

Mr. CALLAGHAN. May I, please? Thank you.

The CHAIRMAN. Ask Mr. Accardo again if that is his endorsement.

Mr. CALLAGHAN. Thank you, sir.

The CHAIRMAN. Mr. Accardo, you have heard the description of the checks and you have seen the checks which are in evidence. Is that your endorsement on the back of those checks?

Mr. ACCARDO. I refuse to answer, sir.

Mr. HALLEY. Now, Mr. Accardo, is it not a fact that after March 1949, when Harry Russell became a partner in the S. & G. Syndicate, you also became a partner in the S. & G. Syndicate?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you ever hear of a partnership known as Accardo & Guzik?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Is it not a fact that you personally received an interest in that partnership known as Accardo & Guzik, and that that partnership did have an interest in the S. & G. Syndicate?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Is it not a fact that the very same S. & G. Service, which made the checks which are now in evidence, is listed by you on your income tax return, your partnership income tax return, for 1949 as an investment of the partnership of Accardo & Guzik?

Mr. CALLAGHAN. I object, Mr. Chairman, to the disclosure of what appears on this man's income tax return. It is a violation not only of the President's order, but of the statute.

The CHAIRMAN. He is asking the witness about it. If the witness wants to answer what the charge was of the income tax, the investment, he can do so.

Mr. CALLAGHAN. Mr. Halley is asking him whether or not it is a fact that certain things appeared in his income tax return, and I am objecting to what appears in his income tax returns.

The CHAIRMAN. Your objection is overruled.

Mr. Reporter, will you please read the question?

(The question was read.)

Mr. ACCARDO. I refuse to answer.

Mr. CALLAGHAN. I would like the record to show in addition to the previous objections, an additional objection, that we now object to that because it involves a disclosure of what appears on his income tax returns.

The CHAIRMAN. Your objection is noted.

Mr. HALLEY. Didn't you, as a partner of Accardo & Guzik, personally sign an income tax return for the year 1949?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Were you a partner of Jack Guzik, in 1949?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Were you a partner in any syndicate, partnership, or other group having an investment in the S. & G. Syndicate?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you not suffer a loss of \$7,240, attributed by you to the S. & G. Syndicate in 1949?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Now, Mr. Chairman, the record of the committee shows that the *Clara Jo* was purchased in 1950 from Tony Accardo by the S. & G. Syndicate for \$20,000, and the record also shows that the partnership of Accardo and Guzik took a tax loss of seven thousand-some-odd dollars on an investment described by Accardo as S. & G. Service, the same name which appears on the check to Accardo in payment for the *Clara Jo*.

Now, Mr. Accardo, you know Paul Ricca, do you not?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. In fact, were you not indicted for visiting Paul Ricca in a Federal penitentiary at a time when you used an assumed name?

Mr. CALLAGHAN. I submit this is not pertinent to this inquiry, Mr. Chairman. That is a matter of record of the district court of the United States.

The CHAIRMAN. Well, Mr. Callaghan, I do not know if you have followed the testimony, but the facts were, I think, that your client got Mr. Bernstein in touch with these men when they were in Leavenworth, so it is pertinent to our inquiry.

Mr. CALLAGHAN. And, as a result of that inquiry an indictment was returned, and he was found not guilty by that jury.

The CHAIRMAN. Well, he might testify about it, Mr. Callaghan. Let him testify about it. The question was whether he was indicted, and he can make any explanation about it that he wants to.

Mr. HALLEY. Will you read the question and let the witness answer?

(The question was read by the reporter.)

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Do you know an attorney named Eugene Bernstein?

Mr. ACCARDO. Yes, sir.

Mr. HALLEY. Has he represented you for approximately 10 years on various matters?

Mr. ACCARDO. He has represented me; but how long I don't know.

Mr. HALLEY. Did you ever discuss with Eugene Bernstein the tax case of the United States against Paul Ricca?

Mr. CALLAGHAN. I submit, if the Chair pleases, that he does not have to divulge to this committee anything he discussed with his counsel.

The CHAIRMAN. Mr. Callaghan—

Mr. CALLAGHAN. That he may claim the privilege in that connection.

Mr. HALLEY. Mr. Chairman, before you rule, I think again the reason for the chart is to show the pertinency of these questions and, perhaps, that should be done now.

The record of this committee shows that Accardo was very active in obtaining the release of Ricca and certain other Capone gangsters from the Federal penitentiary, and their parole, as well.

The record of the committee also shows that subsequently to Russell's becoming a partner in the S. & G. Syndicate, the dog tracks heretofore referred to, headed up by Patton and Johnston, through a salaried employee, Hugo Bennett, who had no assets of his own of any substantial nature, made available to Paul Ricca \$80,000, of which the committee, in its various hearings, has traced \$75,000 directly to the dog tracks or people specifically concerned with the management of the dog tracks, and the other \$5,000 are found to be the personal funds of Bennett, an employee of Johnston and the dog track.

Senator TOBEY. Mr. Counsel, does the record show what methods, ways and means he used to exercise his influence to aid these criminals?

Mr. HALLEY. We have just attempted through the chart to show the line of demarcation through the Trans-American Press, the R. & H., and William "Butsy" O'Brien, who ordered the cut-off of the wire service to S. & G.

We have attempted also to show the relationship between Accardo and Ricca, and the dog track, Patton and Johnston.

We have heretofore shown a very substantial political contribution made by Johnston and his family and friends to the campaign of the Governor of Florida in 1948.

We have heretofore shown that the Governor of Florida appointed a man named "Bing" Crosby, as a special investigator; that, at the same time, that the wire service was being cut off by O'Brien on this side of the chart, Crosby went to a number of bookmaking establishments operated by S. & G.; that these book-making establishments were pointed out to Crosby by Russell, and they were raided.

The committee is being asked to draw the conclusion that, as a result of these pressures, Russell became a partner of S. & G.; that Accardo and Guzik became partners of S. & G.; that the *Clara Jo* yacht was bought for \$20,000, exactly the price for which, on the record, Russell is supposed to have paid for his participation in S. & G.; and \$80,000 were paid to Paul Ricca through a subterfuge.

Senator TOBEY. This is the same Russell who is in contempt of the Senate?

Mr. HALLEY. It is. He is now under indictment, and that is your counsel's argument as to the relevance of these questions.

The CHAIRMAN. Now, the question was whether Mr. Accardo talked with Bernstein relative to getting these people out of Leavenworth or also, perhaps, with reference to the settlement of their tax case.

Let us rephrase the question and just ask what negotiations did you have with Mr. Bernstein with reference to these other people? That was not a charge

against you; it was a matter you were arranging about somebody else. Do you want to tell the committee about that?

Mr. ACCARDO. I will have to refuse to answer.

The CHAIRMAN. Go ahead, Mr. Halley.

Mr. HALLEY. Do you know Hugo Bennett?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Do you not know that Hugo Bennett is the auditor for the Patton-Johnston dog tracks?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you know Edward O'Hara, who was killed shortly after leaving Sportmans Park Race Track in Chicago in 1931?

Mr. ACCARDO. No, sir.

Mr. HALLEY. Did you ever meet Eddie O'Hara?

Mr. ACCARDO. No, sir.

Mr. HALLEY. Did you know that Johnston and Patton purchased O'Hara's interests at the dog tracks?

Mr. CALLAGHAN. What name, Mr. Halley? Johnston——

Mr. HALLEY. Johnston and Patton purchased O'Hara's interest in the dog tracks.

Mr. ACCARDO. I know nothing about their transactions.

Mr. HALLEY. You know nothing about their transactions?

Mr. ACCARDO. No, sir.

Mr. HALLEY. But you do know them?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. When were you last in Paul Ricca's house in the State of Illinois? He has a farm, does he not?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. When did you last see Paul Ricca?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you persuade Hugo Bennett, John Patton, or William H. Johnston to lend to Paul Ricca \$80,000?

Mr. ACCARDO. I did not persuade anybody to lend anybody anything.

Mr. HALLEY. Well, did you know that such a loan was being made?

Mr. ACCARDO. I don't know anything about it.

Mr. HALLEY. Did you ever discuss such a loan with Paul Ricca?

Mr. ACCARDO. No, sir.

Mr. HALLEY. Did you see Paul Ricca since 1949?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. You know, do you not, that Paul Ricca is a man of great wealth?

Mr. ACCARDO. According to the paper.

Mr. HALLEY. Do you not know it of your own knowledge?

Mr. ACCARDO. No, sir.

Mr. HALLEY. Did you not know that he had a farm valued at several hundred thousand dollars?

Mr. ACCARDO. It was in the papers.

Mr. HALLEY. Did you not know that he had \$300,000 in cash when he left Leavenworth?

Mr. ACCARDO. Did I know it?

Mr. HALLEY. Yes. I asked did you know it.

Mr. ACCARDO. No; I don't know.

Mr. HALLEY. Did you ever discuss with Paul Ricca his assets.

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Is it not a fact that a loan of \$80,000 to Paul Ricca during 1949 and 1950 was, in fact, the pay-off?

Mr. ACCARDO. I don't understand you by pay-offs.

Mr. HALLEY. Well, was it not a subterfuge and, in fact, a payment to Ricca rather than a loan?

Mr. ACCARDO. I still don't understand it.

Mr. HALLEY. Is it your testimony that you know nothing about the loan to Ricca?

Mr. ACCARDO. That is right.

Mr. HALLEY. Do you know Ricca?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Now, Mr. Chairman, that concludes the testimony with regard to Accardo's activity in connection with the S. & G. Syndicate.

With the permission of the committee, unless the committee at this point desires to ask questions about this phase of the matter, I would turn to other work.

The CHAIRMAN. Senator Tobey?

Senator TOBEY. All I would like to say, Mr. Chairman, is that I sat here with feelings of rising disgust, and listened to a man come before this committee, and through his answers or refusal to answer, insult this committee and its counsel; and I think it is a new low in the conduct of witnesses before this committee, and we have had some tough ones.

I am sore about it. I feel bitter about it.

Here is a Senate committee of the United States, a special committee to investigate crime, and men ought to come before us and cooperate for the good of the country. Instead of that they take refuge behind this silly answer, "I refuse to answer." And so, with a feeling of disgust in my heart toward the witness' attitude and that of his counsel, I move you, sir, that he be cited for contempt.

The CHAIRMAN. Well, Senator Tobey—

Mr. CALLAGHAN. May I, as his counsel, answer the Senator?

The CHAIRMAN. Senator Tobey, we will have other questions to ask him.

Senator TOBEY. I will hold that motion pending, and let the hearing proceed.

The CHAIRMAN. Senator Wiley, do you have any questions to ask at this stage?

Senator WILEY. Are you a citizen of this country?

Mr. ACCARDO. Sir?

Senator WILEY. Are you an American citizen?

Mr. ACCARDO. Yes, sir.

Senator WILEY. Were you born here?

Mr. ACCARDO. Yes, sir.

Senator WILEY. Where?

Mr. ACCARDO. Chicago, Ill.

Senator WILEY. How long ago?

Mr. ACCARDO. Forty-four years ago.

Senator WILEY. Now, why did you evade for such a long time the subpoena of this committee?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. Were you in hiding?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. Were you in contact with any other individual who also was evading the subpoenas?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. Did you have any understanding with anyone in relation to avoiding the subpoena?

Mr. ACCARDO. No, sir.

Senator WILEY. Well, now, something was said about making campaign contributions. We have found in a number of places that men interested in crime have found it advantageous to themselves to make contact with public officials.

Now, I want to ask you whether you have ever made financial contributions, directly or indirectly, in money or any other form to any candidates for Federal, State, or local office?

Mr. ACCARDO. None whatsoever.

Senator WILEY. Have you ever made any financial gifts to any officeholder in Federal, State or local office?

Mr. ACCARDO. No, sir.

Senator WILEY. Now, my questions said "directly or indirectly." Do you understand that; do you?

Mr. ACCARDO. Yes, sir.

Senator WILEY. You have not been interested in who was holding office, Federal or State?

Mr. ACCARDO. I might have helped one side or the other.

Senator WILEY. What constituted help?

Mr. ACCARDO. In getting votes.

Senator WILEY. When you say "getting votes," what were the means that were used?

Mr. ACCARDO. Asking my friends.

Senator WILEY. Making contributions?

Mr. ACCARDO. No, sir; just voting.

Senator WILEY. Did you get any particular favors from any candidate that you supported?

Mr. ACCARDO. No, sir.

Senator WILEY. Would you name any candidates that you supported?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. You refuse to answer?



Did you vote in any election yourself personally?

Mr. ACCARDO. No, sir.

Senator WILEY. Why not?

Mr. ACCARDO. I just did not exercise my rights.

Senator WILEY. You did not exercise your right to vote, you mean?

Mr. ACCARDO. Yes, sir.

Senator WILEY. You did not think it important, is that right?

Well, now, you heard the statement of counsel. Have you been connected with gambling?

Mr. ACCARDO. I refuse to answer on that.

Senator WILEY. In the narcotics transactions—have you been in the narcotics transactions?

Mr. ACCARDO. No narcotics, nothing with narcotics.

Senator WILEY. What is that?

Mr. ACCARDO. Nothing to do with narcotics.

Senator WILEY. With organized prostitution?

Mr. ACCARDO. No, sir.

Senator WILEY. Do you belong to the Mafia?

Mr. ACCARDO. I don't know what the Mafia is all about.

Senator WILEY. Well, were you interested in the numbers racket?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. Of course, you readily understand that such an answer is virtually saying that you have been, isn't that true?

Mr. ACCARDO. I do not know how you take it.

Senator WILEY. What is that?

Mr. ACCARDO. I don't know what your opinion is on taking it, which way.

Senator WILEY. Counsel asked you whether you knew certain individuals. I think he mentioned Frank Costello, Frank Erickson, Charles Fischetti, Joe Adonis, and your answer is you did not know them, or you refused to answer them.

Mr. ACCARDO. I was never asked, but I will refuse to answer on that.

Senator WILEY. You refuse to answer on that.

Are you married?

Mr. ACCARDO. Yes, sir.

Senator WILEY. Do you have a family?

Mr. ACCARDO. Yes, sir.

Senator WILEY. Do you have children?

Mr. ACCARDO. Yes, sir.

Senator WILEY. How many?

Mr. ACCARDO. Four.

Senator WILEY. How old are they?

Mr. ACCARDO. The oldest is 14.

Senator WILEY. What is your business?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. Won't it be important for your children to know what your business is?

Mr. ACCARDO. Well, to a certain extent it is, so I am taking the constitutional rights and refusing to answer.

Senator WILEY. Were your parents born in this country?

Mr. ACCARDO. No, sir.

Senator WILEY. They came from where?

Mr. ACCARDO. From Italy.

Senator WILEY. Sicily?

Mr. ACCARDO. Yes, sir.

Senator WILEY. Are they living?

Mr. ACCARDO. My dad is dead.

Senator WILEY. Are you interested in the general welfare of this Nation?

Mr. ACCARDO. Yes, sir.

Senator WILEY. And yet you do not vote, is that right?

Mr. ACCARDO. That is right.

Senator WILEY. How do you evaluate your responsibility as a citizen born here; how do you evaluate your responsibility toward this country, simply as a place to get a living, hit or miss, by any means, or do you regard it as an opportunity to preserve certain values?

Mr. ACCARDO. I did not understand you, sir.

Senator WILEY. You do not understand? I think that is all.

THE CHAIRMAN. Mr. Accardo, would you mind telling us where you have been the last 2 or 3 months?

Mr. ACCARDO. I refuse to answer, sir.

The CHAIRMAN. Have you been to Mexico?

Mr. ACCARDO. I refuse to answer.

The CHAIRMAN. You just do not want to tell us where you have been gone.

Senator WILEY. Is it nice and warm where you were?

Mr. CALLAGHAN. Not as warm as here. [Laughter.]

The CHAIRMAN. All right, Mr. Halley, you may continue.

Mr. HALLEY. Mr. Accardo, have you been on the *Clara Jo* yacht—

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Better let me finish the question—during the year 1950?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Is it not a fact that after the time of the sale of the *Clara Jo* to the S. & G. Syndicate that you have been on that yacht?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Is it not a fact that when this committee was having hearings in Miami, Fla., in the month of July 1950 that you and members of the S. & G. Syndicate were on the yacht *Clara Jo*?

Mr. ACCARDO. I refuse to answer, sir.

Senator WILEY. Who baptized that name, that name *Clara Jo*? That is important.

Mr. ACCARDO. That is my wife's first name and my middle name.

Senator WILEY. Well, no one else would baptize anybody else's yacht after your wife, would they?

Mr. ACCARDO. I fell into that one. [Laughter.]

The CHAIRMAN. All right, Mr. Halley.

Maybe you would want to tell us more about the yacht?

Mr. ACCARDO. I still refuse to answer.

The CHAIRMAN. Refuse to answer any more about the yacht?

Mr. HALLEY. Did you ever hear of Camp Woodland in Eagle River, Wis.? Did you ever hear of Camp Woodland in Eagle River, Wis.?

Mr. ACCARDO. Yes, sir.

Mr. HALLEY. That is a camp located in the State of Wisconsin, is it not?

Mr. ACCARDO. Yes, so you said, Wisconsin.

Mr. HALLEY. And sometimes your children stay there, is that not a fact?

Mr. ACCARDO. Yes, sir.

Mr. HALLEY. Didn't you, from the yacht, the *Clara Jo*, ever call Camp Woodland and speak to your children?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Is it not a fact that on July 15, 1950, you called Camp Woodland from the yacht, the *Clara Jo*?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Were you out of the State of Illinois during the year 1950?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Mr. Accardo, how often have you been arrested?

Mr. ACCARDO. A few times, but never convicted of any felony.

Mr. HALLEY. Well, you have been arrested at least a dozen times, have you not?

Mr. ACCARDO. I do not know how many times—a few times.

Mr. HALLEY. Would you say you were—

Mr. CALLAGHAN. I submit, Mr. Chairman, that those questions are not pertinent to this inquiry. How many times a man has been and was arrested certainly has nothing to do with the resolution creating this committee or its purposes.

The CHAIRMAN. Well, it has a good deal to do with what kind of a man he is.

Mr. CALLAGHAN. What kind of a man he is has nothing to do with the purposes of this committee or the purposes of this inquiry.

The CHAIRMAN. Well, that is for us to decide.

Mr. CALLAGHAN. I am making it in the form of an objection.

The CHAIRMAN. Your objection is overruled.

Mr. HALLEY. Will you show the witness a list of arrests and ask him to look it over and state whether or not they are his, the list beginning in 1923 and going to 1945 [handing document to counsel].

Mr. CALLAGHAN. Same objection to that question.

The CHAIRMAN. Well, the objection is overruled.

Will you show the witness what purports to be his criminal record, or at least a part of it.

Senator TOBEY. I might point out, Mr. Chairman, that that list, as shown to me, shows an average of one a year in the 23 years that have been cited.

Mr. ACCARDO (Looking at the document). I don't know whether that is my list or not, sir. I don't know if I have been arrested that many times.

Mr. HALLEY. It shows 23 arrests, does it not?

Mr. ACCARDO. I don't know.

The CHAIRMAN. Well, the question is were you charged with the matters stated in that record, and does it show the outcome of those various charges.

Mr. ACCARDO. I don't remember, sir.

The CHAIRMAN. Rather than going over them specifically.

Mr. HALLEY. Do you remember being convicted of disorderly conduct in 1923, and fined \$200?

Mr. ACCARDO. No; I don't remember.

Mr. HALLEY. Is it possible that you could have been convicted in 1923?

Mr. ACCARDO. I don't remember.

Mr. HALLEY. Were you ever convicted of disorderly conduct?

Mr. ACCARDO. Once or twice, I think.

Mr. HALLEY. Once or twice.

Could it be three? The record just shows three.

Mr. ACCARDO. I don't know.

Mr. HALLEY. But at least once or twice.

Mr. ACCARDO, after 1923, in any event, you were never convicted of anything, isn't that right?

Mr. ACCARDO. According to this list, I have not.

Mr. HALLEY. Is that right?

Mr. ACCARDO. All I remember is a fine.

Mr. HALLEY. In 1923, and again twice in 1924, isn't that the fact?

Mr. ACCARDO. I don't know what year; I don't know of what year.

Mr. HALLEY. A long time ago?

Mr. ACCARDO. Yes, sir.

Mr. HALLEY. And after that you managed to avoid conviction at all times, is that not right?

Mr. ACCARDO. I don't know what you mean by "managed."

Mr. HALLEY. Well, you were never convicted since.

Mr. CALLAGHAN. You mean the evidence was not sufficient.

Mr. HALLEY. You were never convicted since 1924, were you?

Mr. ACCARDO. If that is the last day of the fine, no, sir.

Mr. HALLEY. But since 1924 you have been arrested on 18 occasions, is that not right?

Mr. ACCARDO. That is right.

Mr. HALLEY. Including, is it right to say, disorderly conduct on several occasions?

Mr. ACCARDO. Yes.

Mr. HALLEY. And carrying a concealed weapon on one occasion, isn't that right?

The CHAIRMAN. Well, Mr. Accardo, looking over that list, do you think that is substantially representative of the charges that have been made against you, and what happened to them, without going into each one of them?

Mr. ACCARDO. Some of them may be and some I don't know anything about, sir.

The CHAIRMAN. All right, go ahead, Mr. Halley.

Mr. HALLEY. Well, in any event, you were arrested on many occasions, were you not?

Mr. ACCARDO. That is right, sir.

Mr. HALLEY. Did they include kidnaping on one occasion?

Mr. ACCARDO. No, sir.

Mr. HALLEY. Weren't you arrested in connection with the kidnaping of Guzik—

Mr. ACCARDO. Sir?

Mr. HALLEY. Weren't you arrested in connection with the kidnaping of Guzik and the slaying of one Jens Larrison at Matt Capone's tavern?

Mr. ACCARDO. You must have everything all wrong there.

Mr. HALLEY. Well, isn't that the fact?

Mr. ACCARDO. No, it is not the facts.

Mr. HALLEY. Not that you have been arrested?

Mr. ACCARDO. I have been arrested, but not for what charges you are talking about.

Mr. HALLEY. Well, were you arrested in 1945?

Mr. ACCARDO. Let's see, I don't remember, sir.

Mr. HALLEY. Did you know Matt Capone?

- Mr. ACCARDO. I refuse to answer, sir.
- Mr. HALLEY. Do you know Jens Larrison?
- Mr. ACCARDO. Sir?
- Mr. HALLEY. Do you know Jens Larrison, L-a-r-r-i-s-o-n?
- Mr. ACCARDO. Who?
- Mr. HALLEY. His first name is Jens, J-e-n-s.
- Mr. ACCARDO. Who?
- Mr. HALLEY. Larrison.
- Mr. ACCARDO. Larrison? I don't know anybody by the name of Larrison.
- Mr. HALLEY. Well, you certainly knew Guzik?
- Mr. ACCARDO. I refuse to answer, sir.
- Mr. HALLEY. Could you tell the committee how you were able on so many occasions to beat the rap since 1924?
- Mr. ACCARDO. I don't know what you mean by "beat the rap."
- Mr. HALLEY. Did you have any political influence which would help you avoid successful prosecution?
- Mr. ACCARDO. No, sir.
- Mr. HALLEY. Did you know any members of the State assembly?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. Did you know James Adduci?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. Did you ever have any business relationships with Adduci?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. Did you ever have a bodyguard or chauffeur?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. Well, do you know Sam Gintana?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. Doesn't he drive your car?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. You have a car, do you not?
- Mr. ACCARDO. My wife has a car.
- Mr. HALLEY. What kind of car?
- Mr. ACCARDO. Cadillac.
- Mr. HALLEY. What year?
- Mr. ACCARDO. 1947.
- Mr. HALLEY. What model?
- Mr. ACCARDO. Convertible.
- Mr. HALLEY. Do you have any other automobiles?
- Mr. ACCARDO. No, sir.
- Mr. HALLEY. You or your family?
- Mr. ACCARDO. No, sir.
- Mr. HALLEY. Where do you have a home?
- Mr. ACCARDO. 1431 Ash, River Forest, Ill.
- Mr. HALLEY. Do you have any in Miami Beach? Do you rent a home in Miami Beach?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. You did rent a home in Miami Beach for many years; did you not?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. Was Sam Gintana ever in your home?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. Did you ever employ him to act as your bodyguard?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. Do you know whether or not he was in jail in 1940?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. Is it not a fact that Gintana is a brother-in-law of a man who owns a company called the Central Envelope & Lithographing Co.?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. You have heard of the Central Envelope & Lithographing Co.; have you not?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. Gintana worked for it at one time when he also was working for you, did he not?
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY. Is that not the company that pays James Adduci, the State legislator, for getting—
- Mr. ACCARDO. I refuse to answer.
- Mr. HALLEY (continuing). Contracts in the State legislature?



Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Do you have any friends in the city of Chicago?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Well, a man must have a friend. [Laughter.] Don't you have any friends?

Mr. ACCARDO. I still refuse to answer.

Mr. HALLEY. I am sorry.

Mr. ACCARDO. I still refuse to answer.

Mr. HALLEY. How well do you know Pat Manno?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Is it not a fact that he was once a partner of Harry Russell?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. How well do you know Tremont—Pete Tremont?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Do you know them at all?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Weren't they also associated with Harry Russell?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. When did you last see Manno?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. When did you last see Tremont?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Don't they also own homes in Florida?

Mr. ACCARDO. That I don't know.

Mr. HALLEY. Well, did you ever have them out on your yacht in Florida?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you ever go into the numbers racket with Manno or Tremont?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Do you know a man named Pardy?

Mr. ACCARDO. Who?

Mr. HALLEY. Sam Pardy.

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Isn't he your partner in the numbers racket?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Did you ever hear of the Erie & Buffalo Co?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. Where did you derive your income in 1949?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. You have a home in River Forest; is that right?

Mr. ACCARDO. Yes, sir.

Mr. HALLEY. And you at least rode on a yacht named the *Clara Jo* in Florida?

Mr. ACCARDO. Sir?

Mr. HALLEY. You rode on a yacht named the *Clara Jo* in Florida?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. And you have rented homes in Florida, have you not?

Mr. ACCARDO. Yes, sir.

Mr. HALLEY. Did you buy that Cadillac convertible new?

Mr. ACCARDO. I don't remember whether it was new or second-hand.

Mr. HALLEY. When did you buy it, in what year?

Mr. ACCARDO. In 1947.

Mr. HALLEY. A 1947 car.

And your children go to camp?

Mr. ACCARDO. Sir?

Mr. HALLEY. Your children attend camp.

Mr. ACCARDO. Camp or mass?

Mr. HALLEY. Camp.

Mr. ACCARDO. I did not hear you.

Mr. HALLEY. Camp.

Mr. ACCARDO. Camp; yes, sir.

Mr. HALLEY. Do they go to school?

Mr. ACCARDO. Yes, sir.

Mr. HALLEY. How do you finance your operations, your living operations?

Mr. ACCARDO. My who?

Mr. HALLEY. On what do you live, Mr. Accardo?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. Food, do you not? [Laughter.]

Mr. CALLAGHAN. Food and drink.

Mr. ACCARDO. That is not what he wants to hear.

Mr. HALLEY. Do you have a bank account?

Mr. ACCARDO. Sir?

Mr. HALLEY. Do you have a bank account?

Mr. ACCARDO. I refuse to answer.

Mr. HALLEY. I have no further questions.

The CHAIRMAN. Senator Wiley, do you have any more questions?

Senator WILEY. Well, something was said about a question which was asked about your friends, and you refused to answer that. Now, how about have you any enemies?

Mr. ACCARDO. Not that I know of.

Senator WILEY. You do not refuse to answer?

Mr. ACCARDO. That I know.

Senator WILEY. Now then, you refused to tell me what your business was. Will you tell me where your place of business is?

Mr. ACCARDO. No, sir.

Senator WILEY. What?

Mr. ACCARDO. No, sir.

Senator WILEY. Why?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. You know that the records here show that in 1949 you had a very substantial income. Now, that is a matter of common knowledge. Do you keep books?

Mr. ACCARDO. No, sir.

Senator WILEY. You do not keep any books.

In one partnership it is shown that you had about a quarter of a million dollars' income in 1 year. Would you mind telling me how, with that amount of money, you could indicate to the person who prepared your income tax that that was the correct amount?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. What?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. Well, haven't you any book accounts showing how that money was acquired, or transactions, or anything of that kind?

(Mr. Accardo shaking his head in the negative.)

The CHAIRMAN. Did you answer that you do not have any account?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. Well, have you ever been called upon by the internal revenue officials to indicate how you made that quarter of a million?

(Witness confers with counsel.)

Mr. ACCARDO. It might have been a minor investigation of something, that is about all that I know of.

Senator WILEY. Well, was the result, as far as you could understand, satisfactory?

(Witness confers with counsel.)

Mr. ACCARDO. Well, I have reason to believe right now that my income may be under investigation after all the publicity on it.

Senator WILEY. Have you any way to substantiate the correctness of it?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. You have not even one book to indicate receipts and disbursements?

Mr. ACCARDO. I refuse to answer, sir.

Senator WILEY. Does anyone look after your records for you?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. Well, I suppose you claim to be perfectly willing in these trying times to pay what is just and equitable in taxes; do you not?

Mr. ACCARDO. Yes, sir. [Laughter.]

Senator WILEY. How are you going to establish the justness and equitability of it if you have not books?

Mr. ACCARDO. I refuse to answer on the books, sir.

Senator WILEY. In other words, you mean you have books but you do not want us to see the books?

Mr. ACCARDO. I refuse to answer, sir.

Senator WILEY. Well, that is pretty definite, too. I think that is all, Mr. Chairman.

The CHAIRMAN. Senator Tobey?

Senator TOBEY. All I can say, Mr. Chairman, is that I think this hearing is pretty near a farce, and this man has been playing ducks and drakes with us, and has refused to cooperate, and I think it is a waste of time to sit here and listen to this sort of stuff coming out of the witness and going on the record.

I again move to cite him for contempt.

The CHAIRMAN. If you will withhold the motion, I want to ask him some questions.

Who makes up your income tax, Mr. Accardo, your returns?

Mr. ACCARDO. I refuse to answer.

The CHAIRMAN. You knew that Mr. Bernstein's office was the office where \$190,000 were brought in to pay off the tax liability of DeLucia and Campagna?

Mr. ACCARDO. I refuse to answer anything on that subject.

The CHAIRMAN. I mean, did you know that? That is the question.

Mr. ACCARDO. I refuse to answer.

The CHAIRMAN. Did you have anything to do with the raising of that money?

Mr. ACCARDO. I refuse to answer.

The CHAIRMAN. Mrs. Campagna says you visited her husband in Atlanta in the penitentiary. Do you want to tell us about that?

Mr. ACCARDO. I refuse to answer.

The CHAIRMAN. Did you visit Campagna in the penitentiary in Atlanta?

Mr. ACCARDO. I refuse to answer.

The CHAIRMAN. Or in Leavenworth?

Mr. ACCARDO. I refuse to answer.

The CHAIRMAN. Did you go there with Mr. Bernstein on any occasion?

Mr. ACCARDO. I refuse to answer.

Senator WILEY. Mr. Chairman, I want to get this matter straight, because we have asked a lot of questions that seem to me to be not only pertinent but that in the slightest degree, so far as I can see from the answers, if he were to answer, instead of using his stock phrase "I refuse to answer," that it would not incriminate him.

Now, I want to ask counsel and the witness this question; it is this: When you use the stock phrase "I refuse to answer," are you doing it because you claim that an answer, if made, would violate your constitutional rights or would tend to incriminate you, and thus we would be asking you to violate your constitutional protective rights; is that it?

Mr. ACCARDO. That is what I mean; that is my refusal, on my constitutional rights.

Senator WILEY. Is that counsel's understanding, too?

Mr. CALLAGHAN. Predicated upon the provisions of the fifth amendment to the Constitution.

Senator WILEY. I do not hear you.

Mr. CALLAGHAN. Our refusal is predicated on the fifth amendment to the Constitution.

Senator WILEY. That answers it.

In other words, you go on the theory that under the Constitution you can throw this general phrase at us any time and not help to aid the Government in seeking and finding out what it is that is criminal, and which is detrimental to the public interest; is that it?

Mr. CALLAGHAN. That is not the point at all, Mr. Senator. The point about it is that the questions that have been asked, either directly may tend to incriminate him—an answer may directly tend to incriminate the witness—or may form some link in a chain that may inevitably lead to some criminal charge being placed against him.

Senator WILEY. You mean a Federal crime or a State crime?

Mr. CALLAGHAN. I mean Federal crimes.

Senator WILEY. Yes.

Would you want to say which Federal crime?

Mr. CALLAGHAN. That is a matter for counsel for the committee, I believe, rather than counsel for the respondent.

Senator WILEY. Counsel for what?

Mr. CALLAGHAN. Counsel for the committee rather than counsel for the witness. The fifth amendment is just as important a branch and a part of our law as any other branch or part of our law; perhaps more important than any others.

The CHAIRMAN. I must say, Mr. Callaghan, that your client—we want to protect him in any real rights he has, but his refusal to answer the greater part of these questions is—I cannot see any basis for it whatsoever, with respect to his defenses, even as to who he knows or where he has been or what businesses he has been in, regardless of how long ago it may have been. So, it is a very determined effort to thwart our inquiry, so far as it appears here on the record.

Mr. CALLAGHAN. The chairman is not unmindful of the fact that there was a double objection to each question asked; that is, that the refusal was predicated

on two grounds, and many of these questions were simply prying into his personal affairs and had nothing to do with this inquiry.

The CHAIRMAN. We understand that. But we will pass on the pertinency of the question.

Is there anything else, Mr. Halley?

Mr. HALLEY. I would like to point out that in the most recent case on the subject the Supreme Court very clearly pointed out the difference between a chain of evidence which would clearly lead to prosecution under a Federal law and the answer to some question which, on the basis of supposition or fantasy or for some arbitrary reason, the witness just does not want to answer, and the Supreme Court made it perfectly clear that a witness may not be permitted simply to refuse to answer questions unless the link to the commission of a crime can be clearly established. I submit it has not been established in any way.

Mr. CALLAGHAN. I do not so interpret the Blau case; if so, we differ in the interpretation of that case.

The CHAIRMAN. Is there anything else, Mr. Halley?

Mr. HALLEY. Just one thing. I think the witness said that he thought people should pay their taxes.

Mr. ACCARDO. I didn't say that, but they should.

Mr. HALLEY. Do you believe that the Federal Government is entitled to make reasonable efforts to collect its taxes of its citizens?

Mr. ACCARDO. It sure should.

Mr. HALLEY. Do you think citizens should cooperate with the Federal Government in that respect?

Mr. ACCARDO. In the respect of income tax, yes.

Mr. HALLEY. Now, you have refused to cooperate, for one reason or another, with this committee, but have you ever refused to cooperate with an income-tax agent and simply refused to give him the details of your evidence?

Mr. CALLAGHAN. I submit that question is not pertinent to the inquiry, but simply a moralizing question.

Mr. HALLEY. No. The question is. Have you ever refused to give an income-tax agent the details with respect to your business?

Mr. ACCARDO. I don't understand it the way you are putting it.

Mr. HALLEY. Well, haven't you ever told a revenue agent that you would not divulge the source or details of your income?

(Witness confers with counsel.)

Mr. ACCARDO. I still don't understand it.

Mr. HALLEY. Isn't it a fact that in 1 year, when your income was as high as \$85,000, that you refused entirely to account for a round sum of \$65,000, refusing to state the source, the expenses which accompanied it, or any of the details, so that the revenue agent was forced to conclude that he could not verify in any way whether you were making an accurate return?

(Witness confers with counsel.)

Senator WILEY. What ever happened in that case?

Mr. HALLEY. The Government had to drop the case.

In 1948 a revenue agent attempted to find out something about the witness' income, and then without having his constitutional rights to plead, but simply being in the position of an ordinary citizen, he simply refused to give the information; isn't that the fact?

Senator WILEY. I have got to show every calf born on my farm.

Mr. ACCARDO. If I refused them, I must have had a right in refusing them.

The CHAIRMAN. Well, is that correct or not; that you refused to give any information?

Mr. ACCARDO. I don't remember.

Mr. HALLEY. Did you ever hear of a revenue agent named Ned Klein?

Mr. ACCARDO. Yes, sir.

Mr. HALLEY. Did you have talks with him in 1948?

Mr. ACCARDO. I think I did.

Mr. HALLEY. Wasn't he trying to find out the nature and source of your income?

Mr. ACCARDO. I don't know what he was trying to find out now; I don't remember.

Mr. HALLEY. Well, you reported one round-sum figure of \$65,000 income; isn't that right?

Mr. ACCARDO. I don't know.

Mr. HALLEY. And isn't that the sort of figure that naturally leads to some suspicion that maybe you pulled it out of the thin air?

Mr. ACCARDO. Well, I will have to refuse to answer your questions.



Mr. HALLEY. Didn't you refuse to give Revenue Agent Ned Klein any information about that?

Mr. ACCARDO. I don't remember.

The CHAIRMAN. All right.

Senator Tobey, you had a motion pending.

Senator TOBEY. I renew that motion, Mr. Chairman.

Senator WILEY. Second.

The CHAIRMAN. A motion is made by Senator Tobey and seconded by Senator Wiley to recommend to the Senate that contempt proceedings be brought against Mr. Accardo. All in favor signify by saying "Aye."

(There was a chorus of "Ayes.")

The CHAIRMAN. Let the record show that the committee, with a quorum of three members present, voted for the motion.

Mr. Accardo, you will remain under subpoena, subject to further call by this committee. In other words, if we want you back for further questioning or other purposes, the subpoena served on you will continue in effect. Is that understood, Mr. Callaghan?

Mr. CALLAGHAN. Yes, sir.

We do not understand, by that, that we are to remain in Washington; we are to go home.

The CHAIRMAN. No; that is right.

Mr. CALLAGHAN. Notice to me, I think, would produce the witness. I do not think there is any necessity of serving any further process.

The CHAIRMAN. All right, notice to you——

Mr. CALLAGHAN. Provided I am given ample time to contact the witness.

The CHAIRMAN. That is all for today, and the committee will stand in recess. (Whereupon, at 11:30 a. m., the committee adjourned, subject to the call of the Chair.)



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